

**United States District Court
District of Nebraska**

United States of America,

Plaintiff,

v.

Barton E. Langenberg,

Defendant.

Case No. 09-cr-183

**Defendant Barton E.
Langenberg's F R Cr P 12 & 47
Motion Challenging Indictment,
Attacking Underlying Statutes, or,
alternatively, Requiring Specific Intent**

Defendant Langenberg requests the Court's Order dismissing the Indictment for defects in it, and in the statutes underlying it, and alternatively, to exclude certain evidence, as follows:

1. Declaring 31 USC § 5324(a)(3) & (d)(1)(2), and 31 CFR §§ 103.11(gg) & 103.22 unconstitutional on the ground that Congress impermissibly delegated its Art 1, § 1 duty to define crimes to the Secretary of the Treasury, and the Secretary impermissibly enacted regulations purporting to define crimes.

2. Declaring 31 USC § 5324(a)(3) & (d)(1)(2), and 31 CFR §§ 103.11(gg) & 103.22 unconstitutional on the ground the statutes are unconstitutionally vague, as are the regulations.

3. In the event the Court decides not to strike the statutes and regulations, then Defendant urges that the jury be instructed it must find specific criminal intent, and not merely general intent, to return any conviction against the Defendant under the Indictment.

July 2, 2009.

Barton E. Langenberg, Plaintiff,

By: /s/ David A Domina

/s/ Terry A. White

David A. Domina, #11043

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Plaintiff's Lawyers

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Certificate of Service

I certify that on July 2, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all Counsel of Record.

/s/ David A. Domina